

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 8/16/2016	(3) CONTACT/PHONE Megan Martin, Project Manager / (805)781-4163	
(4) SUBJECT Hearing to consider the extension of the Native Tree Interim Zoning/Urgency Ordinance No. 3325 pursuant to Sections 25123 and 65858 of the California Government Code for a period of up to 22 months and 15 days. Ordinance No. 3325 prohibits the clear-cutting of oak woodlands and limits the removal of native trees in the inland area (does not include the Coastal Zone) of the unincorporated portions of San Luis Obispo County, except for development or land use activities complying with certain authorization standards and procedures; exempt from CEQA. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> <li>1. Hold a hearing to consider the extension of the Native Tree Interim Zoning/Urgency Ordinance No. 3325 for a period of up to 22 months and 15 days from the expiration date (August 29, 2016) through and until July 14, 2018 by 4/5 vote.</li> <li>2. Provide direction on a permanent Native Tree Ordinance.</li> </ol>			
(6) FUNDING SOURCE(S): Department Budget	(7) CURRENT YEAR FINANCIAL IMPACT TBD	(8) ANNUAL FINANCIAL IMPACT TBD	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>125 min</u> ) <input type="checkbox"/> Board Business (Time Est. <u>    </u> )			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)  N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? N/A	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A    Date: <u>June 21, 2016 (Board direction);</u> <u>July 15, 2016 (Ordinance adoption)</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) All Districts			

# County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning & Building / Megan Martin, Planner III

VIA: Trevor Keith, Deputy Director, Policies and Programs

DATE: 8/16/2016

SUBJECT: Hearing to consider the extension of the Native Tree Interim Zoning/Urgency Ordinance No. 3325 pursuant to Sections 25123 and 65858 of the California Government Code for a period of up to 22 months and 15 days. Ordinance No. 3325 prohibits the clear-cutting of oak woodlands and limits the removal of native trees in the inland area (does not include the Coastal Zone) of the unincorporated portions of San Luis Obispo County, except for development or land use activities complying with certain authorization standards and procedures; exempt from CEQA. All Districts.

## **RECOMMENDATION**

It is recommended that the Board:

1. Hold a hearing to consider the extension of the Native Tree Interim Zoning/Urgency Ordinance No. 3325 for a period of up to 22 months and 15 days from the expiration date (August 29, 2016) through and until July 14, 2018 by 4/5 vote.
2. Provide direction on a permanent Native Tree Ordinance.

## **DISCUSSION**

### **Background**

On July 15, 2016, your Board adopted Urgency Ordinance No. 3325 to prohibit the clear-cutting of oak woodlands and limit the removal of native trees in the inland area (does not include the Coastal Zone) of the unincorporated portions of San Luis Obispo County, except for development or land use activities complying with certain authorization standards and procedures.

### **Discussion**

The hearing today is to consider extending the urgency ordinance for a period of up to 22 months and 15 days from August 29, 2016 (Attachment 1). Your Board also has the option of considering extending the urgency ordinance for a period of 10 months 15 days then considering a final one year extension prior to expiration. Any action to extend the current urgency ordinance requires a 4/5 vote of your Board.

If the interim zoning/urgency ordinance is extended, staff will begin work on a permanent tree ordinance with the intent of allowing consideration by your Board prior to the expiration of the urgency ordinance. If your Board chooses not to pursue an extension of the urgency ordinance, your Board may still have the option to give staff direction to develop a permanent ordinance for future consideration and to define key policy components. A full discussion of staffing impacts and effects on other currently prioritized projects from this assignment will be addressed in the priorities discussion presented to your Board in October.

### **Proposed Permitting Procedure / Exemptions**

The proposed Native Tree Interim Zoning/Urgency Ordinance contains a prohibition against clear-cutting of oak

woodlands, exemptions from land use permits, and land use permit levels for proposed tree removal (not associated with clear-cutting).

Exemptions from land use permits include the following categories: emergency, immediate danger, diseased, utilities and rights-of-way, trimming and pruning, fire safety, agricultural operations, previously approved land use permits and land divisions, non-native trees, and de minimis removal (See "Exemptions" within the Ordinance for full definitions).

When proposed native tree removal has been determined to not be within one of the exemptions listed above, a land use permit must be applied for and approved prior to removal. For tree removal involving up to 10% of the total site canopy, a Minor Use Permit is needed. For tree removal involving more than 10% of the total site canopy, a Conditional Use Permit is necessary. Both of these permits are discretionary and subject to CEQA, and in no case shall more than 25% of a site's total canopy be approved for removal without the preparation of an Environmental Impact Report.

#### **OTHER AGENCY INVOLVEMENT/IMPACT**

Staff from County Counsel's office, Agricultural Commissioner's Office, Cal Fire, and Planning and Building has participated in meetings about the development of the urgency ordinance.

#### **BUSINESS IMPACT STATEMENT**

Measureable impacts to business are not expected with the extension of the Interim Zoning/Urgency Ordinance.

#### **FINANCIAL CONSIDERATIONS**

This staff report was prepared under the Department's current budget. If the Board of Supervisors directs staff to prepare a permanent ordinance, budget and staffing will be determined.

#### **RESULTS**

Adoption of the amendment to the interim zoning/urgency ordinance will extend the Urgency Ordinance for a period of up to 22 months and 15 days, through and until July 14, 2018. The ordinance prohibits the clear-cutting of oak woodlands and limits the removal of native trees in the inland area (does not include the Coastal Zone) of the unincorporated portions of San Luis Obispo County, except for development or land use activities complying with certain authorization standards and procedures.

This is consistent with providing a prosperous and well-governed, safe, healthy and livable community.

#### **ATTACHMENTS**

1. Attachment 1 - Proposed Urgency Ordinance Extension Ordinance
2. Attachment 2 - Board of Supervisors Staff Report - July 15, 2016
3. Attachment 3 - Adopted Urgency Ordinance No. 3325
4. Attachment 4 - Environmental Determination